



Dennis J. Duffin
Director

The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

November 14, 1983
AO-1983-13

Mr. John Lippitt, Chairman
Common Cause Massachusetts
73 Tremont Street
Boston, MA 02108

Dear Mr. Lippitt:

Thank you for your recent letter in which you request an advisory opinion as to several questions which have arisen relative to the registration with this office, pursuant to G.L. c. 55, of the Common Cause Rules Reform Committee. I believe that your questions can best be answered by framing them in the following manner:

1. Are monies spent in an effort to move forward the Rules Reform petition subject to the provisions of Chapter 55.? Furthermore, would monies spent between January and May 1984 be considered lobbying expenses?

M.G.L. c. 55, Section 7 provides that "A political committee or a person acting under the authority of or on behalf of such a committee may receive money or its equivalent, or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof."

Monies raised and spent in an effort to move forward the Rules Reform Petition which will influence the voters, such as a petition drive, are subject to the provisions of c. 55. It is not necessary that a question be legally certified as appearing on the ballot. A political committee such as yours may receive contributions and make expenditures in anticipation of a question appearing on a ballot, though such activity must be restricted to influencing the voting public. Funds received for campaign finance purposes may not be used for any other

purpose, including efforts to lobby the legislature on any matter relative to the ballot question.

In response to your specific question, it is not necessarily true that all monies spent between January and May 1984 would be considered lobbying expenses rather than political expenditures. It is not the time which determines that decision, but rather the specific purpose for which the expenditure is being made. Any expenditure, at any time, which is intended to influence the voting public is a political expenditure and thus subject to the provisions of G.L. c. 55.

I also suggest that you contact the Secretary of State's Office for information relative to the appropriate manner of reporting any lobbying expenses.

2. If Common Cause Inc., the parent organization, headquartered in Washington, DC, makes a \$10,000 contribution to the Common Cause Rules Reform Committee, must it file a CPF-10 Form with this office, and must this contribution be reported by the Rules Reform Committee?

Such a contribution to your political committee by Common Cause, headquartered in Washington, DC requires that they file a CPF-10 with this office. Your committee must disclose the receipt of such a contribution on your campaign finance reports in a complete and timely manner.

3. You state that Common Cause/ Massachusetts received approximately \$8,000 pursuant to the purposes of the Common Cause Rules Reform Committee, prior to the date of registration. You state that this activity was undertaken in that manner as a result of advice given you by the former Director of this office. When, and in what manner, should these contributions be reported?

A political committee organized to influence the vote on a question submitted to the voters must file an initial report with this office at the time of organization. These contributions should be completely disclosed in that initial report.

4. May Common Cause/ Massachusetts, Inc. a non-profit corporation registered in Washington, DC make a contribution of \$2,000 to the Coalition for Legislative Reform, a political committee registered with this office. If so, must this contribution be reported by Common Cause/Massachusetts on a CPF-10 Form?

Common Cause/Massachusetts may make an incidental contribution of \$2,000 from its general treasury to the Coalition for Legislative Reform. This contribution must be reported by your

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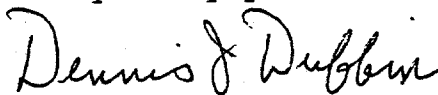
organization on a CPF-10 Form filed with this office. Of course, the Coalition for Legislative Reform must disclose its receipt of the contribution on campaign finance reports it files with this office.

5. Should a separate bank account be used for contributions and expenditures of the Common Cause Rules Reform Committee?

C. 55 requires that the funds of a political committee be kept separate and distinct from all other accounts, including the personal funds of officers, members or associates of such committees. I would, therefore, advise that a separate bank account be used for all campaign finance activity of the Common Cause Rules Reform Committee.

Please feel free to contact me if you have any further questions.

Very truly yours,

A handwritten signature in dark ink, reading "Dennis J. Duffin". The signature is written in a cursive, slightly stylized script.

Dennis J. Duffin
Director

DJD/rep